

THE STATE OF NEW HAMPSHIRE
SUPREME COURT
COMMITTEE ON JUDICIAL CONDUCT



ANNUAL REPORT

2002

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Judicial Conduct Committee

Annual Report

2002

The New Hampshire Judicial Conduct Committee had ten meetings during the year. There were no monthly meetings during July and August.

There were two special panels appointed during the year.

The Committee docketed forty-eight grievances. The summary for each court is as follows:

Superior Court

There were twenty-eight docketed grievances involving thirty-one judges and eight marital masters.

District Court

There were fourteen docketed grievances against judges and one grievance involving a clerk's office.

Family Court

There were four docketed grievances involving four judges and one grievance against a clerk's office.

Probate Court

There was one docketed grievance.

Miscellaneous

One item was docketed involving an administrative hearing officer of a State agency. Following review of the law in this regard the Committee voted to dismiss this grievance for lack of jurisdiction.

(Note: the totals shown above may be greater than the number of docketed cases because one or more grievance may have involved one or more judge, or a combined grievance involving a judge and marital master.)

Disposition

Superior Court

One grievance was dismissed as beyond the statute of limitations.

One grievance was dismissed when the Committee learned that it had also been filed with the Legislative Commission.

One grievance was dismissed because the Complainant never filed a completed cover sheet.

The remaining grievances were dismissed on findings of no judicial misconduct or on the grounds that the grievance related solely to the rulings of the court and amounted to a substitute for an appeal.

District Court

There were no findings of misconduct but the grievance as to the clerk's office pointed out an administrative problem that was referred to the administrative judge and as a result of the contact from the Committee was subsequently corrected.

In one matter the Committee issued cautionary language to the judge with regard to his demeanor on the bench and the public's perception of his treatment of litigants and/or witnesses.

Family Court

The three grievances involving the judges were dismissed on findings in each case that the grievance related solely to the rulings of the court and amounted to a substitute for an appeal. The grievance involving the clerk's office was dismissed, but the administrative judge of the Family Court was notified of the Committee's concern that systematic delays in processing decisions and/or scheduling hearings resulted in hardship to litigants.

Probate Court

The one grievance appeared to be beyond the statute of limitations, but the matter was dismissed when Complainant failed to respond to further inquiries from the Committee regarding the circumstances of the complaint.

Two of the grievances received involved members of the Committee. In both cases the Executive Secretary requested the appointment of a separate panel.

The Supreme Court responded by appointing the following members:

Chair, William Grimm of Franklin; Vice Chair, Dale Thompson of Keene; and members Erick Leadbeater of Contoocook, Raymond Taylor (Clerk of Rockingham County Superior Court), Gary Cassevechia of Rochester (Probate Court Judge), Bruce Mohl of Durham (Superior Court Judge), Martha Crocker of Peterborough (District Court Judge), George T. Hamilton of Bow, Timothy Vaughn of Littleton (attorney); Gerald Giles of Rye (attorney).

This Special Panel reviewed JC-02-025 and JC-02-045.

Of the forty-four grievances actually reviewed by the Committee there were fourteen requests for a response from the judge or marital master in question. Transcripts or tape recordings of proceedings were reviewed by the Executive Secretary and/or a member of the Committee in a dozen cases. The actual court file was reviewed by the Executive Secretary in ten other of the cases before the Committee.

Members of the Committee

Jean Burling (Superior Court representative) of Cornish

Alfred Catalfo, III (attorney) of Dover

Raymond Cloutier (Probate Court representative) of Manchester

Harland Eaton (public member) of Auburn

Douglas Hatfield, Chair (District Court representative) of Hillsborough

Elizabeth Lown (public member) of Amherst

Lawrence O'Connell (public member) of Durham

Jay Rosenfield (public member) of New London

Wilfred Sanders (attorney) of Hampton

Robert Wilson, Vice Chair (public member) of Hopkinton

As of June, Dana Zucker of Laconia was appointed as a court clerk representative

Wilfred Sanders resigned during the course of the year and was replaced by
Deborah Cooper (attorney) of Lebanon as of September

Committee Status

RSA Chapter 494-A became effective as of January 1, 2002. That created a Judicial Conduct Commission with three judges (Superior, District, and Probate) appointed by the Chief Justice of the Supreme Court; two members nominated by the President of the NH Bar Association one with the approval of the Governor, the other with the approval of the Speaker of the House and President of the Senate; two public members appointed by the Governor; two public members appointed by the Speaker; two public members appointed by the President of the Senate. The stated purpose of the Commission was to hear complaints filed against judges or marital masters.

As a result of the existence of the Commission the number of new grievances received by the Committee decreased from the previous years. Several matters remaining from 2001 were completed during the first months of 2002.

The Committee attempted, on an informal basis, to maintain communication with the Commission for the purpose of confirming that the same grievance was not being filed with each entity. The Committee's cover sheet was amended during the course of the year to include an acknowledgment by the grievant that the matter was being filed only with the Committee.

Respectfully submitted,

Executive Secretary